

REMARKS

Applicants hereby seek to amend the first paragraph of the specification pursuant to 37 C.F.R. §1.312. This amendment is filed concurrently with a Petition to Accept an Unintentionally Delayed Claim of Priority under 35 U.S.C. §119(a) and 35 U.S.C. §120 and pursuant to 37 C.F.R. §1.55(c). As further explained below, no new matter is being entered by this amendment.

This amendment accomplishes three objectives:

1. Perfection of the claim of priority to Great Britain patent application No. 9703591.9 (hereinafter, “the ‘591 application”).
2. Express incorporation by reference of the ‘591 application.
3. Clarification of the disclosure with respect to continuity and incorporation by reference.

This amendment is submitted to unambiguously recite on the face of the patent the priority claims to which Applicants are entitled, and the incorporation by reference information that was implicit but not expressly stated in the specification as filed. In this regard, it is noted that the mistake occurred in 2001 when filing the present continuation application, where the Great Britain priority claim was inadvertently omitted. Accordingly, entry of this amendment is sought to achieve proper disclosure and protection of the invention. No additional search or examination is required to enter this amendment, for the reasons given below.

1. The present application is entitled to the benefit of the ‘591 application’s filing date under 35 U.S.C. §119(a) and §120.

As stated in the first paragraph of the original version of the present application as filed on August 17, 2001, the present application is a continuation of U.S. application 09/076,551, filed on May 12, 1998, which was then pending (it later issued as U.S. patent 6,317,832 on November 13, 2001). Accordingly, the present application is entitled under 35 U.S.C. §120 to the benefit of the priority date accorded to U.S. application 09/076,551. U.S. application 09/076,551, in turn, claims priority to U.S. application 09/023,057 filed on February 12, 1998,

which was pending until it issued as U.S. patent 6,575,372 on June 10, 2003. U.S. application 09/023,057 claims priority to Great Britain patent application 9703591.9, filed February 21, 1997, as reflected on the face of U.S. patent 6,575,372, and in the first paragraph of application 09/023,057.

As stated in the paper mailed by Applicants on July 27, 2004 and received by the Office's Technology Center 2100 on August 4, 2004, styled "AMENDMENT AND CLAIM OF PRIORITY," the present application is likewise entitled to claim priority under 35 U.S.C. §119(a) and §120 to the '591 application, a certified copy of which was submitted with the July 27, 2004 paper. Because the present application was filed during the pendency of the 09/023,057 and 09/076,551 applications, the disclosures of which are substantially identical to the disclosure of the present application, and those applications properly claimed priority to the '591 application, the present application is likewise entitled to claim priority to the '591 application.

To perfect this claim and clearly inform the public of it, the specification itself should be amended to reflect this claim. Because Applicants unintentionally failed to fully present this claim in a conventional form during the time period provided by 37 C.F.R. §1.55(a), a Petition to Accept a Delayed Claim for Priority under 35 U.S.C. §119(a) accompanies this paper, pursuant to 37 C.F.R. §1.55(c).

2. Expressly incorporating the '591 application by reference introduces no new matter.

The present application, as filed, expressly incorporated by reference, inter alia, United States application 09/023,057 filed on February 12, 1998. Application 09/023,057, in turn, expressly incorporated by reference the '591 application. As a result, the present application impliedly incorporated the '591 application. For the avoidance of any doubt on this score, and to fully comply with the rule of In re de Seversky, 474 F. 2d 671 (CCPA 1973), the present amendment expressly incorporates by reference the '591 application.

3. The remaining amendments to the first paragraph of the specification are mere clarifications and add no new matter.

Applicants seek to amend the first paragraph of the specification to avoid grammatical ambiguities.